

**REMARKS/ARGUMENTS**

In light of the above amendments and remarks to follow, reconsideration and allowance of this application are respectfully requested.

Claims 1, 3, 5, 7-13, 15, 17, and 19-24 are pending in this application. Claims 26-28 are canceled.

Claims 1, 3, 5, 7-13, 15, 17, 19-24, and 26-28 were rejected under 35 U.S.C. §103(a) as being unpatentable over Bornstein (U.S. Patent 6,144,388) in view of Pry (article entitled "Online Retailers Add 3-D Music to Web Sites for Sense of Reality") and Viking (anonymous article entitled "Viking Office Products Launches New E-Commerce Site for U.S.") and Official Notice taken by the Examiner.

The present independent claims have been amended to clarify the adjustment feature as explained in paragraph 57 of the specification. Specifically, the present claims now recite "an adjustment unit operable to adjust a scale of custom image data prepared by the user by comparing image information indicating a scale incorporated into the custom image data with a scale image." (Claim 1; all independent claims contain similar limitations) The adjustment feature allows the scale of custom image data prepared by a user to be adjusted by comparing image information which is in the custom image and is indicative of the scale to a scale image. This image information may be a coin or a ruler incorporated into the custom image. For example, a digital camera may be used to take a picture of a wall (i.e. to provide texture data) as a background, together with a coin to provide an indication of scale which would otherwise not be apparent. The coin in the picture can then be

compared to a scale image so that the scale of the picture can be appropriately adjusted.

Applicant asserts that Bornstein fails to disclose a custom image that includes image information indicating a scale. Also, Bornstein fails to teach image information that can be incorporated into texture data by taking a picture of a wall, for example, as a background together with a coin using a digital camera. Likewise, none of the other cited references disclose analogous image information indicating a scale for adjustment.

For at least this reason, Bornstein, Pry, Viking, and the Examiner's Official Notice fails to meet all of the present limitations and the rejected claims should now be allowed.

In view of the above, each of the presently pending claims in this application is believed to be in immediate condition for allowance. Accordingly, the Examiner is respectfully requested to withdraw the outstanding rejection of the claims and to pass this application to issue.

If, however, for any reason the Examiner does not believe that such action can be taken at this time, it is respectfully requested that he/she telephone applicant's attorney at (908) 654-5000 in order to overcome any additional objections which he might have.

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If there are any additional charges in connection with this requested amendment, the Examiner is authorized to charge Deposit Account No. 12-1095.

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Respectfully submitted,

By 

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